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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/994,013	11/27/2001	Yoshiyuki Tsuda	216585US2RD	1105
22850 7590 08/14/2007 OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
			EXAMINER ENGLAND, DAVID E	
			ART UNIT 2143	PAPER NUMBER
			NOTIFICATION DATE 08/14/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

09/994,013

Applicant(s)

TSUDA, YOSHIYUKI

Examiner

David E. England

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1 – 20 are presented for examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1 – 20 are rejected under 35 U.S.C. 102(e) as being anticipated by

Kakemizu et al. (U.S. 2002/0006133), (hereinafter Kakemizu).

4. Kakemizu teaches a mobile communication system/method, comprising:
5. a mobile node device according to Mobile IP protocol; (abstract)
6. an AAA server device according to a prescribed AAA protocol which is provided at a home network of the mobile node device, for supporting an authentication and accounting service with respect to packet communications by the mobile node device; (12; ¶[0008])
7. the mobile node device having a transmission unit configured to transmit an authentication and accounting request for requesting a desired accounting service at the AAAH server device; (¶[0128])

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8. and the AAAH server device having:
9. an information recording unit configured to record communication fee information regarding a communication fee to be charged to a user of the mobile node device; (see "account process" and ¶[0011])
10. a processing unit configured to carry out authentication and accounting processes for the packet communications by the mobile node device according to the communication fee information, and a processing for providing the desired accounting service according to the authentication and accounting request which is received from the mobile node device when it is judged that authentication succeeded according to authentication information contained in the authentication and accounting request.
(¶[0019-0038])
11. wherein the processing unit of the AAAH server device is operated such that, when the desired accounting service is a processing for transferring a charged amount to be paid to another party by the user of the mobile node device to the communication fee of the user of the mobile node device, the communication fee information is recorded in the information recording unit according to the charged amount.(see "transfer control unit"; ¶[0131])
12. wherein the processing unit also carries out a procedure for paying the charged amount to said another party when the desired accounting service is a payment of the charged amount to said another party. (see "transfer control unit" and "service control

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unit"; ¶[0131]-[0135])

13. wherein the processing unit of the AAAH server device is operated such that, when the desired accounting service is the processing for transferring the charged amount to be paid to said another party by the user of the mobile node device to the communication fee of the user of the mobile node device, the processing unit notifies information regarding the authentication and accounting request from the mobile node device to another AAA server device for supporting the authentication and accounting service with respect to a mobile node of said another party. (¶[0131]-[0135])

14. wherein the processing unit of the AAAH server device is operated such that, when the desired accounting service is acquisition of a charged amount information regarding the charged amount to be paid to said another party by the user of the mobile node device, the processing unit acquires the charged amount information from a device providing the charged amount information and transfers the charged amount information to the mobile node device. (¶[0131]- [0135])

15. further comprising: an AAAF server device according to the prescribed AAA protocol which is provided at a visited network of the mobile node device, for supporting the authentication and accounting service with respect to packet communications by the mobile node device, the AAAF server device (32) having a transmission unit configured to transmit another authentication and accounting request for requesting an accounting with respect to the packet communications by the mobile node device that has moved to

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the visited network; wherein the processing unit of the AAAH server device is operated such that, when said another authentication and accounting request is received from the AAAF server device and it is judged that authentication succeeded according to an authentication information contained in said another authentication and accounting request, the communication fee information is recorded in the information recording unit according to information regarding the accounting contained in said another authentication and accounting request. ([0019-0038]).

Response to Arguments

16. Applicant's arguments filed 05/04/2007 have been fully considered but they are not persuasive.

17. **In the Remarks**, Applicant argues in substance that Kakemizu does not teach, "the mobile node device having a transmission unit configured to transmit an authentication and accounting request for requesting a desired accounting service at the AAAH server device."

18. As to the first Remark, Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references

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19. **In the Remarks**, Applicant argues in substance that Kakemizu does not teach, “an information recording unit configured to record communication fee information regarding a communication fee to be charged to a user of the mobile node device.”

Applicant states that the outstanding rejection has not indicated where Kakemizu discloses that such an “accounting process” would include a communication fee to be charged to a user of the mobile node device.

20. As to the second Remark, Examiner would like to point out to the Applicant two pieces of prior art, one referenced by Kakemizu, “draft-calhoun-diameter-mobileip-07.txt”, and another that is a standard in RFC, RFC 2977. In RFC 2977, that is discussed in the prior art of Kakemizu, discusses how the “accounting process” would have “accounting information” and in which would also have billing information about users, (e.g., RFC 2977 pages 2 – 4, 8 and 9). Therefore, Kakemizu would have included the technology and its parts into their invention since it is based of a standard.

21. **In the Remarks**, Applicant argues in substance that Kakemizu does not teach the other limitations in the Applicant’s claims.

22. As to the ending Remarks, Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

Conclusion

23. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

24. Calhoun et al., DIAMETER Mobile IP Extensions, April 2000, Standards Track, Pages 1 - 22.

25. Glass et al., Mobile IP Authentication, Authorization, and Accounting Requirements, October 2000, RFC 2977, Pages 1 - 27.

26. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David E. England whose telephone number is 571-272-3912. The examiner can normally be reached on Mon-Thur, 7:00-5:00.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

David E. England
Examiner
Art Unit 2143

DE



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